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MARY E. D'ANDREA, CLERK
Per 915
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
JOHN RICHARD JAE,

Plaintiff,

vs.

KENNETH D. KYLER, JOHN A. PALAQUA, CH.
LT WILLIAM J. RHODES, MARTIN L.
DRAGONICH, OFFICER RUBEN DALL, OFFICER RAGER,
Defendants

NUMBER: 1:00-CV-000315

TYPE OF PLEADING: APPENDIX
OF EXHIBITS TO PLAINTIFF
BRIEF IN OPPOSITION TO DETAIN
MOTION FOR SUMMARY JUDGMENT
AND MEMORANDUM IN SUPPORT

FILED ON BEHALF OF:
MR. JOHN RICHARD JAE
Plaintiff and co counsel

NAME, ADDRESS AND TELEPHONE OF:

☐ Counsel of Record

☒ Individual, if Pro Se

MR. JOHN RICHARD JAE
BQ-3019
201 Greene/SMU
175 Progress Drive
Waynesburg, PA 15380-8008

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and
in his official capacity, et al.,

Defendants

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

ANSWER TO COMPLAINT AND AMENDED COMPLAINT

First Defense

Complaint

1. It is **ADMITTED** that the plaintiff is a Pennsylvania state prisoner confined at the State Correctional Institution at Camp Hill ("SCI-Camp Hill"), and that he is presently assigned to the restricted housing unit. Plaintiff's characterization of this action is also **ADMITTED**. Otherwise, this paragraph states conclusion of law to which require **NO RESPONSE** or, if the remaining averments are deemed factual, they are **DENIED**.

2. Plaintiff's characterization of this action is **ADMITTED**; otherwise, this paragraph states conclusions of law to which require **NO RESPONSE**.

3. **ADMITTED**.

4. **DENIED** in that defendant Kenneth D. Kyler is no longer the Superintendent at SCI-Camp Hill. Otherwise, this paragraph states conclusions of laws to which require **NO RESPONSE**.

17. Defendants are without knowledge sufficient to form a belief as to the truth of this averment. See paragraph 12 of this Answer.

18. **DENIED**, however, Defendant Palakovich has no present recollection of speaking with the plaintiff on December 1, 1999.

19. **DENIED**. DC-ADM 801-2 speaks for itself.

20. It is **ADMITTED** that on November 26, 1999, plaintiff was on restriction and was denied a shower. Otherwise, this paragraph is **DENIED**.

21. It is **ADMITTED** that on November 26, 1999, plaintiff was on restriction and was denied yard. Otherwise, this paragraph is **DENIED**.

22. **ADMITTED**.

23.-28. **DENIED**.

29.-40. These paragraphs state conclusions of law to which **NO RESPONSE** is required.

To the extent they are deemed factual, they are **DENIED**.

Amended Complaint

1. **ADMITTED**, except that plaintiff filed his complaint on January 18, 2000.

2. This paragraph states a legal conclusion which requires **NO RESPONSE**.

3. Defendants hereby incorporate by reference their answers to plaintiff's original complaint.

4. - 5. **ADMITTED**.

6. **DENIED**.

7. This paragraph states conclusions of law which require **NO RESPONSE**.

8. Defendants are without knowledge or information sufficient to form a belief as to the truth of this averment.

9. Defendants hereby incorporate by reference their answers to plaintiff's original complaint.

10.-12. These paragraphs states conclusions of law to which **NO RESPONSE** is required.

Second Defense

Plaintiff has failed to exhaust his administrative remedies.

Third Defense

The complaint as amended fails to state a claim upon which relief may be granted.

Fourth Defense

The defendants are entitled to qualified immunity from plaintiff's claims for damages.

Fifth Defense

The defendants have not acted or failed to act to violate plaintiff's constitutional rights.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:



MICHAEL L. HARVEY
Senior Deputy Attorney General
Attorney I.D. #30098

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Counsel for DEFENDANT
CHRISTOPHER O'BRIEN

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 787-6896
FAX: (717) 772-4526
DATE: March 7, 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff,

v.

KENNETH D. KYLER, individually,
and in his official capacity, et al.,

Defendants.

No. 1: CV-00- 0315

(Judge Rambo)

(Magistrate Judge Smyser)

ANSWER TO SUPPLEMENTAL COMPLAINT

Defendants Kyler, Dragovich, Palakovich, Rhoades, Rubendall, and Rager, through their counsel and pursuant to Federal Rule of Civil Procedure 8, hereby respond to the allegations in the Supplemental Complaint. Defendants' answers to the Complaint and Amended Complaint in this action shall be incorporated into this Answer.

FIRST DEFENSE

1. Paragraph 1 is plaintiff's recitation of the contents of the original Complaint, to which **NO RESPONSE** is necessary.
2. Paragraph 2 is plaintiff's recitation of the contents of the Amended Complaint, to which **NO RESPONSE** is necessary.
3. It is **ADMITTED** that Glenn W. Rubendall and Charles W. Rager have been added as Defendants in this Supplemental Complaint.
4. Paragraph 4 is plaintiff's incorporation of claims from the original and amended complaints. Defendants incorporate their answers to the original and amended complaints.
5. **ADMITTED IN PART, DENIED IN PART.** It is **ADMITTED** that the

plaintiff was taken to Holy Spirit Hospital after the plaintiff attempted to harm himself by eating staples. Defendants assert, however, that this incident occurred on April 24, 2000, and not on April 23 as the plaintiff contends. Otherwise, Defendants are without sufficient information to form a belief as to the truth of this averment, because Dr. Laskey could not recall the exact number of staples ingested.

6. **ADMITTED IN PART, DENIED IN PART.** It is **ADMITTED** that Dr. Laskey ordered the removal of all materials with staples. It is **DENIED** that Dr. Laskey ordered the return of those materials on April 24. The incident occurred during the late evening hours of April 24, and the order to remove the materials came the next day.

7. **DENIED.** By way of further answer, this paragraph again refers to April 24, 2000, as a date upon which the materials were allegedly to be returned. The incident leading to plaintiff's hospital treatment occurred late in the evening on April 24.

8. **ADMITTED IN PART, DENIED IN PART.** It is **ADMITTED** that a helmet and shackles were placed on the plaintiff on April 24, 2000. It is **DENIED** that the helmet and shackles remained on the plaintiff until April 27, 2000.

9. Defendants are without sufficient information to form a belief as to the truth of this averment, because Dr. Clark has retired and could not be contacted for this information.

10. **DENIED.**

11. **ADMITTED.**

12. **ADMITTED.**

13. **ADMITTED.**

14. **DENIED.**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
Harrisburg Division

JOHN RICHARD JAE,
Plaintiff,
vs.

KENNETH D. KYLER,
JOHN A. PALAKOVICH,
LIZ W. RHOADES, and
MARTIN L. DRAGOVICH,
Defendants.

Civil No. 1:00-CV-00315
U.S. District Judge R.
U.S. Magistrate Judge S.

PLAINTIFF'S FIRST SET OF INTERROGATORIES

Pursuant to Fed. R. Cr. P. 33, Plaintiff submits the following Interrogatories for Defendants to Answer. The Defendants are directed to answer each of the following Interrogatories under oath within thirty (30) days of service thereof. These Interrogatories shall be deemed continuing so as to require supplemental Answers if new & different information materializes.

1. State the duties of Defendant Kenneth D. Kyler, Superintendent, State Correctional Institution At Camp Hill ("SCI-Camp Hill"). If those duties are set forth in any Job Description or other written document, attach a copy of such to your answers to these Interrogatories.

2. State the duties of Defendant John A. Palakovich, who is Superintendent for Facilities Management, State Correctional Institution At Camp Hill ("SCI-Camp Hill"). If those duties are set forth in any Job Description or other written document, attach a copy of such to your answers to these Interrogatories.

3. State the duties of Defendant Martin L. Dragovich, who is a State Correctional Institution At Camp Hill ("SCI-Camp Hill"). If those duties are set forth in any Job Description or other written document, attach a copy of such to your answers to these Interrogatories.

4. Back in November and December, 1999, was there an written camp H11, DOC or RHU Policy prohibiting DC-Status inmates the SCI-Camp H11 RHU from possessing their own personal law books in their RHU cells?

5. If your answer to Interrogatory No. 4, above is yes, attach an entire copy of each such policy to your answers to these Interrogatories.

6. Was the Plaintiff on Restriction on November 26, 1999?

7. If your answer to Interrogatory No. 6, is yes,

a) state what type of Restriction was the Plaintiff on why he was on Restriction on November 26, 1999?

b) State whether such Restriction and the reasons therefor were documented in writing and where such was documented in writing.

c) attach a copy of such written documentation, as above, your answers to these Interrogatories.

8. Did Defendant Palakovich answer Plaintiff's Request the PRC of 11-29-99, requesting he be allowed to have his personal soft cover law books in the RHU on DC-Status?

9. If your answer to Interrogatory No. 8, is yes,

a) State in full what was Defendant Palakovich's answer to such 11-29-99, Request of Plaintiff's.

10. Are the words "will", "shall", "must" all mandatory and limit the discretion and Authority and Act of the Defendants?

11. Are Defendants Kyle Palakovich and Dragovich required to follow the Directives issued by the Secretary of Corrections?

12. Does DC-ADM. #201-VI D-5, apply to SCI-Camp

13. Does DC-ADM #801-VL D.8, apply to SGT-Camp Hall RHU?

14. Does DC-ADM #801-2, apply to the SGT-Camp Hall RHU?

15. Does the RHU mini Law Library have the following law books, i.e., the Cite book, The Law of Sentencing, Career and Prisoner's Rights in a Nutshell, Appellate Adversarial Secret Tools For Post-Conviction Relief and Title 55 Pa. Code Welfare Chapter 5100 Mental Health Procedures Pamphlet, now?

16. Did it have the above-referred to law books in it in November and December, 1999?

17. Was it really not in side the SGT-Camp Hall RHU during November and December, 1999?

18. If your answer to Interrogatory No. 18, is yes,

a) State the reasons in detail why such was done here then?

20. Did Defendant Falakovich at any time during November and December, 1999, deny Plaintiff permission to have his own personal Law Books on DC-status in the RHU here either verbally and/or

21. Did Defendant Dragovich on January 12, 2000, and/or other time deny plaintiff his personal softcover law books he had in the RHU on DC-status?

22. During November and December, 1999, was any other RHU denied access to their own personal law books here in the RHU on DC-status?

23. Did Plaintiff receive his religious materials that he requested?

24. If your answer to Interrogatory No. 23, is yes,

a) State the date and/or dates which the Plaintiff received

25. Did the Plaintiff file any Institutional Official
Inmate grievances and grievance appeals on the issue
of his complaint and Amended Complaint herein this Civil Action?

RESPECTFULLY SUBMITTED

(S) ~~John Richard Jare~~
MR. JOHN RICHARD JARE
Plaintiff and Pro Se Counsel

MR. John Richard Jare
#BX-3219
SCI-Camp Hill
P.O. Box 200
Camp Hill, PA. 17001-0200

Dated: 11th APRIL 2000:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and
in his official capacity, et al.,

Defendants

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No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

DEFENDANTS' RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Defendants, by their counsel, respond to plaintiff's first set of interrogatories as follows:

1. See job description for Corrections Superintendent, attached hereto.
2. See job description for Deputy Superintendent for Facilities Management,
attached hereto.
3. See job description for Corrections Superintendent, attached hereto.
4. No, as long as an inmate's legal and religious materials together did not exceed
one (1) records center box.
5. Not applicable.
6. No.
7. Not applicable.
8. Defendants are unable to answer the interrogatory because defendant John
Palakovich does not presently recall whether he answered plaintiff's request to the Program
Review Committee of November 29, 1999, that plaintiff be approved to have his personal soft
cover law books in his cell in the restricted housing unit.
9. Not applicable.

10. OBJECTION. This interrogatory requests a legal conclusion.

11. Yes.

12. Yes.

13. Yes.

14. Yes.

15. No.

16. No.

17. No.

18. Yes.

19. Plexiglass was placed over plaintiff's cell door to prevent plaintiff from disrupting the cell block with his yelling.

20. Defendants are unable to answer this interrogatory because Defendant John Palakovich does not presently recall whether or not he denied plaintiff permission to have his own personal law books in his cell in the restricted housing unit in November or December, 1999.

21. No.

22. Objection. This interrogatory is objected to because it does not seek information relevant to the subject matter of this action.

23. To the best of defendants' knowledge, according to the property records, plaintiff did not obtain his religious books from his stored property. Plaintiff, however, had the opportunity to obtain these books.


24. Not applicable.

25. Plaintiff submitted an official Inmate Grievance and an appeal related to his claim that he was denied his law books in the RHU. Plaintiff did not submit either a grievance or an appeal related to any of the other claims asserted in this case.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526

DATE: June 27, 2000

JUN-27-00 TUE 15:12

ATTORNEY GENERAL

FAX NO. 717 772 4528

P. 05/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

Plaintiff

v.

**KENNETH D. KYLER, individually, and
in his official capacity, et al.**

Defendants

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

VERIFICATION

I, Ben C. Livingood, hereby state under penalty of perjury, that I have reviewed the foregoing answers to interrogatories along with plaintiffs' interrogatories, and the answers are true and correct to the best of my knowledge, information and belief.


Ben C. Livingood

Date: 6/27/01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff,

v.

KENNETH D. KYLER, individually,
and in his official capacity, et al.,

Defendants.

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No. 1: CV-00- 0315

(Judge Rambo)

(Magistrate Judge Smyser)

**DEFENDANTS' SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendants, by their counsel, hereby supplement their response to plaintiff's first set of interrogatories as follows:

22. During November and December, 1999, was [sic] any other RHU Inmates denied access to their own personal law books here in the RHU on DC-Status?

RESPONSE: No. Jae, likewise, was not denied access to his personal law books during that time.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
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DATE: September 12, 2000

89/12/2000 13:36 717-785-7248

OAG LITIGATION

PAGE 02

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

Plaintiff,

v.

**KENNETH D. KYLER, individually,
and in his official capacity, et al.,**

Defendants.

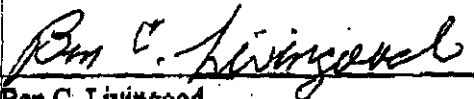
No. 1: CV-00- 0315

(Judge Rambo)

(Magistrate Judge Smyser)

VERIFICATION

I Ben C. Livingood, hereby state under penalty of perjury, that I have reviewed the foregoing Defendants' Supplemental Response to Plaintiff's First Set of Interrogatories and the answers set forth therein is true and correct to the best of my knowledge, information and belief.


Ben C. Livingood

Executed on 9/12/06

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

Plaintiff

v.

**KENNETH D. KYLER, individually, and
in his official capacity, et al.,**

Defendants

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

**DEFENDANTS' RESPONSE TO PLAINTIFF'S SECOND
SET OF INTERROGATORIES**

Defendants, by their counsel, respond to plaintiff's second set of interrogatories as follows:

1. State the duties of Defendant Lt. William J. Rhoades, as RHU Lt./Unit Manager, State Correctional Institution at Camp Hill ("SCI- Camp Hill"). If those duties are set forth in writing in any job description or other written document, attach a copy of such to your answers to these interrogatories.

RESPONSE See job description for Corrections Officer 3 and Corrections Unit Manager, attached hereto

2. State the duties of Defendant Glenn W. Rubendall as the RHU Property Officer, State Correctional Institution at Camp Hill ("SCI-Camp Hill"). If those duties are set forth in any job description or other document in writing, attach a copy of such to your answers to these Interrogatories.

RESPONSE: See job description for Corrections Officer 1, attached hereto.

3. On November 23, 1999, or at any other time in November and/or December, 1999, did Defendant Lt. Rhoades tell/order then RHU Property Officer Charlie Craig and/or RHU Sgt. Pyles not to give the plaintiff his own personal soft cover law books and/or religious books (other than a Bible) from his property boxes in the RHU property room?

RESPONSE: No.

4. If your answer to Interrogatory No. 3 is yes,
a. State in detail why Defendant Lt. Rhoades told/ordered Off. Craig and/or Sgt. Pyles such.

RESPONSE: Not applicable.

5. On April 28, 2000, did Defendant Off. Rubendall return any of the plaintiff's personal property to him, that he'd been removed from the plaintiff's RHU B2-57 cell on April 24, 2000?

RESPONSE Yes.

6. If your answer to Interrogatory No. 5 is yes,
a. State in detail the items Defendant Off. Rubendall returned to plaintiff on April 28, 2000.

RESPONSE: According to the property officer notes, the following items were returned to plaintiff on April 28, 2000: 2 shorts, 2 under shirts, 1 pair of shower shoes, 1 pair of socks, 9 inches of legal papers, 8 law books, 1 pen, and 1 handbook.

7. Was Defendant Officer Rager aware that Defendants Dragovich and Palakovich had ordered that the plaintiff be immediately given back the remainder of his legal, religious and other property that had been removed from his RHU B2-57 cell on April 24, 2000; on May 2 and

3, 2000, respectively?

RESPONSE: No, defendants Dragovich and Palakovich did not order that the remainder of plaintiff's property be immediately returned to him.

8. If your answer to Interrogatory No. 7 is yes,
 - a. State the date Off. Rager became aware of such orders;
 - b. State in detail why Off. Rager did not comply with such orders until May 12, 2000.

RESPONSE: Not applicable.

9. Is it not true that back in January, 2000, the prison Chaplain, Rev. Vogel had to conduct an investigation into why the plaintiff was not receiving his personal religious materials from his property in the SCI-Camp Hill RHU property room, based upon a letter of complaint which this plaintiff had written and sent to then Executive Deputy Security of Corrections Dr. Jeffrey A. Beard?

RESPONSE: No, there was no investigation into why plaintiff was not receiving his religious materials in January, 2000.

10. What date in November of 1999, did this plaintiff first come to the RHU at SCI-Camp Hill?

RESPONSE: November 19, 1999.

11. What date in November, 1999, did the plaintiff first get to go thru his personal property in the RHU property room at SCI-Camp Hill?

RESPONSE: November 26, 1999.

12. Was Defendant Palakovich a member of the SCI-Camp Hill Program Review

Committee ("SCI-Camp Hill Pro") back on December 1, 1997?

RESPONSE: Yes.

13. Was the SCI-Camp Hill plumbers and inmate plumbing workers ever over in the RHU working on the heating system in the RHU at any time(s) at all during the months of November and December 1999?

RESPONSE: No.

14. If your answer to Interrogatory No. 13 is yes, please state each of the date(s) he/they were in the SCI-Camp Hill RHU working on the RHU heating system.

RESPONSE: Not applicable.

15. If the RHU property officer's notes and/or plaintiff's DC-153 inmate personal property inventory form reflect that this plaintiff received property on a certain date, could such not meant that this was something legal and/or religious which came in thru the U.S. Mail for him and was sent to the RHU property officer for disposition and that the date indicated was when the RHU property officer gave such to plaintiff at his cell?

RESPONSE: The inmate's personal property inventory form does not reflect the date property arrives in the mail, but the date in which the property is given to the inmate in his cell.

16. If the plaintiff received a box or package of religious or legal material and/or books through the U.S. Mail would such usually be sent to the RHU Property Officer for disposition?

RESPONSE: Yes. Correspondence, however, is delivered to the inmate.

17. Is it true that back in November, 1999, - May 31, 2000, that if an inmate at SCI-Camp Hill filed a grievance and such grievance was rejected by the Grievance Coordinator for

whatever reason and such grievance was then returned back to the inmate unprocessed and without any grievance no. being assigned to such grievance that the prison Grievance Coordinator would not have any way to track such a grievance?

RESPONSE: Yes.


18. What is the present location and full prison address of inmate Robert Adams, #CQ-2185?

RESPONSE: Defendants object to this interrogatory because it seeks information which is privileged and not relevant to the subject matter of this action.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
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DATE: June 1, 2001

06/01/2001 14:12 717-785-7240

OAG LITIGATION

PAGE 07

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

Plaintiff,

v.

**KENNETH D. KYLER, individually,
and in his official capacity, et al.,**

Defendants.

No. 1: CV-00- 0315

(Judge Rambo)

(Magistrate Judge Smyser)

VERIFICATION

I, Ben C. Livingood, hereby state under penalty of perjury, that I have reviewed the foregoing Defendants' Response to Plaintiff's Second Set of Interrogatories and the answers set forth therein are true and correct to the best of my knowledge, information and belief.


Ben C. Livingood

Executed on

6/1/01

1. Name of Employee (Last, First, MI) RHOADES, William J.			2. Employee Number 62004	Position Number 224314														
3. Department Corrections	Bureau	Division	Headquarters SCI Camp Hill	Organization														
4. Class Title Corrections Officer 3		Working Title Lieutenant																
5. Regular Work Schedule		Position is:																
Start Time: 0800	Lunch Length: *	<input checked="" type="checkbox"/> Full Time	<input checked="" type="checkbox"/> Permanent															
End Time: 1400	Hours/Week: 40	<input type="checkbox"/> Part-Time	<input type="checkbox"/> Temporary															
*As Permitted		Reports to: Name Robert E. Stotelmyer Class Title Corrections Officer 4																
		Gerald E. Kerstetter Class Title Corrections Officer 4																
Days Worked (check all that apply):		Explain any schedule variations:																
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<p>8. Describe the work assigned to this position, listing the critical duties and responsibilities first. Explain work in familiar terms and include machines or equipment used. Use Additional paper if needed.</p> <p>A Corrections Officer 3, functioning in a Class 5 State Correctional Institution, with a population exceeding 3,000 inmates, assigned to the RHU on the 6-2 shift. Duties will include the following:</p> <p>Planning and implementing the daily function of the RHU. Directing the work force assigned to the RHU. Ensure security practices, formal and informal, are adhered to in the operation of the RHU. Ensure Pennsylvania Department of Corrections and institutional policy, procedures, rules and regulations governing the RHU and institutional functions are followed and adhered to.</p> <p>Develop and institute new guidelines and policies, as needed, to direct new functions of officers' duties assigned to the RHU or to cover new areas of responsibility in the RHU. Develop and institute new guidelines in existing guidelines or policy.</p> <p>Observe inmate behavior for possible irregular or negative behavior patterns, and determine a course of action to solve such problems.</p> <p>Participate in non-professional counseling of inmates or situational problems associated with institutional adjustment, including matters of a personal nature.</p> <p>Observe and report changes in personality, demeanor, and degree of problem participation.</p> <p>Supervise on a periodic basis inmate counts in the RHU.</p> <p>Investigate and report all infractions of inmates housed in the RHU and help develop a course of action to solve such infractions.</p> <p>Receive grievances and complaints, conduct initial investigations into the causes and circumstances surrounding the grievance or complaint, and develop a course of action to resolve the grievance or complaint.</p> <p>Prepare daily reports on activities. Evaluate subordinate officers on their work performance and conduct within the scope of the Pennsylvania Department of Corrections Code of Ethics.</p> <p>Supervise special or investigative searches in the RHU for presence of contraband.</p> <p>Participate in 30 day reviews of RHU inmates as a member of the Unit Management Team.</p>																		

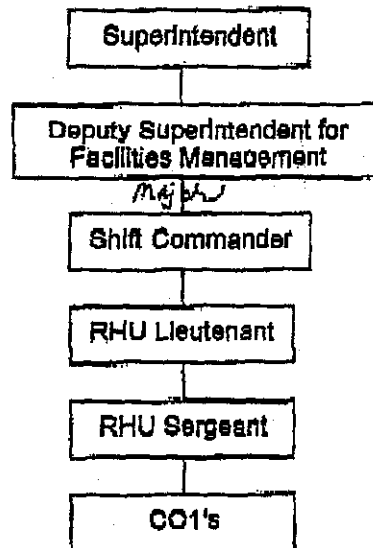
- Continued -

7. Briefly describe how work is assigned to this position and how the work is reviewed.

The 6-2 Shift Commander(s) supervises the RHU Corrections Officer 3 and the Major of the Guard administers the RHU. The Shift Commander(s) assigns general and specific duties outside the normal daily function duties assigned for this area of responsibility. The Shift Commander(s) will make daily inspections of the RHU and review duty assignments of the assigned Corrections Officer 3 to the RHU.

8. If this is a supervisory position, briefly describe how work is assigned to subordinate personnel and how their work is reviewed. (If this is not a supervisory position, leave blank)

The assigned Corrections Officer 3 in the RHU supervises the daily functions, formal and informal, of subordinates assigned to the RHU for their duty assignment. The RHU Corrections Officer 3 is responsible for reviewing all work performed by subordinates in the RHU.



9. Attach an Organizational Chart identifying all reporting relationships for this position.

10. Attach a statement identifying the essential functions of the positions.

I certify that to the best of my knowledge all statements contained within the job description are correct. This job description consists of _____ pages (count this form as 1 page).

Employee's Signature William J. Rhodes

Class Title CO3 Lieutenant

Date 7/22/99

Immediate Supervisor's Signature [Signature] CO4

Class Title CO4 Captain

Date 7/20/99

Reviewing Officer's Signature [Signature]

Class Title CO5 Major of the Guard

Date 7/20/99

To be completed by the classifying authority

Approved Position Classification

Corrections Officer 3

Reviewer's Approving Signature

[Signature]

Date 7-26-99

Input on OCS 8/17/99
MMB

DESCRIPTION OF DUTIES CONTINUED

RHOADES, William J.

Employee #029574

Develop recommendations for review by the Program Review Committee on inmates' conduct while housed in the RHU.

Issue discipline up to a written reprimand and recommend further disciplinary action to my supervisors. Participate in Pre-Disciplinary Conferences and recommend discipline, as needed.

Attend monthly Commissioned Officers' meetings.

JOB DESCRIPTION

1. Name of Employee (Last, First, Mi) [REDACTED]		2. Employee Number [REDACTED]	Position Number 170843														
3. Department Corrections	Bureau	Division SCI Camp Hill	Organization 1500														
4. Class Title Corrections Unit Manager		Working Title	Class Code 47470														
5. Regular Work Schedule		Position is:															
Start Time: 0800	Lunch Length: 30 Min.	<input checked="" type="checkbox"/> Full Time	<input checked="" type="checkbox"/> Permanent														
End Time: 1630	Hours/Week: 40	<input type="checkbox"/> Part-Time	<input type="checkbox"/> Temporary														
Days Worked (check all that apply):		Reports to: Name J. R. Carey Class Title Major of the Guard															
<table border="1"> <tr> <td>S</td> <td>M</td> <td>T</td> <td>W</td> <td>Th</td> <td>F</td> <td>S</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> </table>		S	M	T	W	Th	F	S		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Explain any schedule variations: As Directed	
S	M	T	W	Th	F	S											
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>												

6. Describe the work assigned to this position, listing the critical duties and responsibilities first. Explain work in familiar terms and include machines or equipment used. Use Additional paper if needed.

Ensure the Department of Corrections, institution's, and unit's mission, administrative directives and policies are properly enforced. Also, issue interpretation of administrative directives and mission statement whenever confusion arises.

Maintains and updates Unit Manager's manual including directives, policies and procedures that are unique to a specific unit.

Makes daily rounds and inspections of the unit to ensure the proper security and treatment procedures are being implemented. Ensure that staff are alert and adhere to institution and unit policies and procedures, taking into consideration unit maintenance, medical services, treatment programs, food services, unit cleanliness, inmate activities and privileges.

Responsible for the total effective unit operation by supervising Sergeants, CO1's, all assigned treatment staff, and approximately 200 to 250 inmates. Supervision includes input in evaluating job performance.

Develop and maintain programs specific to the unit's purpose taking into consideration security practices, inmate needs, institutional and departmental primary objectives of care, custody and control of inmates.

Stay abreast of new and changing correctional ideas and philosophies.

Resolve inmate grievances at the first step, if possible, or submits them to the Grievance Coordinator for further action.

Assist in formal counseling of inmates with adjustment problems as per established Department of Corrections, institutional and unit policy.

Submits bi-monthly reports to the Major of Unit Management using established forms.

Attends weekly Unit Manager meetings to discuss unit problems and to coordinate various programs with other Unit Managers.

Plan, organize and assign duties to subordinate staff relative to their assignments in the housing units.

Conduct regular security, safety, and fire inspections of each housing unit to include cell searches and complete cell block searches.

- Continued -

7. Briefly describe how work is assigned to this position and how the work is reviewed.

The Major of Unit Management assigns work with added direction via the telephone or on an as needed basis. The Deputy Superintendent conducts regular inspections of the housing units to ensure that directives, policies, procedures and orders are followed and carried out.

8. If this is a supervisory position, briefly describe how work is assigned to subordinate personnel and how their work is reviewed. (If this is not a supervisory position, leave blank)

Work is visually monitored of the subordinates' work post. Supervision is done by writing memorandums, conducting meetings, and reviewing misconducts, incident reports, and work orders completed by subordinates. Conduct regular housing unit tours and inspections to ensure staff are performing their duties according to institutional and departmental policy. Evaluate staff on their job performance through annual performance evaluation reports.

9. Attach an Organizational Chart identifying all reporting relationships for this position.

10. Attach a statement identifying the essential functions of the position.

CERTIFICATION

I certify that to the best of my knowledge all statements contained within the job description are correct. This job description consists of _____ pages (count this form as 1 page).

Employee's
Signature _____

Class CUU
Title Unit Manager

Date 5-2-01

Immediate Supervisor's
Signature _____

Class _____
Title Major of the Guard

Date 5-02-01

Reviewing Officer's
Signature _____

Class CUU
Title Deputy Superintendent

Date 5-21-01

To be completed by the classifying authority

Approved Position Classification

Corrections Unit Manager

Reviewer's Approving Signature _____

Date

5-8-01

DESCRIPTION OF DUTIES CONTINUED

STEVENS, Robert C.

Employee # 089538

Review misconducts, Incident reports, work orders and Internal store orders before they are processed

Conduct fact findings and issue discipline up to a written reprimand or recommend a Pre-Disciplinary Conference, depending on the severity of the offense.

Participate in Pre-Disciplinary Conferences and recommend discipline, as needed.

Investigate Union grievances relative to your area of responsibility for presentation at local grievance hearings.

Any other duties as assigned by the Major of Unit Management, Deputy Superintendent or Superintendent.

Any related duties as assigned.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Harrisburg

Division

JOHN RICHARD JAE,
Plaintiff

vs.

KENNETH D. KYLER,
JOHN A. PALADATCH,
LT. W. RHODES and
MARIN L. DRAGACH,

Defendants.

CIVIL No. 1:00-CV-00-
U.S. District Judge R.
U.S. Magistrate Judges

PLAINTIFF'S REQUEST FOR ADMISSIONS

Pursuant to Rule 36, Fed. R. Civ. P., Plaintiff requests the Court to make the following Admissions with 30 days after the service of this

1. Plaintiff was denied his own personal soft cover in the RHV here from November 26, 1999 to February 13, 2000.

2. Plaintiff was denied his own personal religious materials here from November 26, 1999 to January 8, 2000 (or there about).

3. On November 21, 1999, a Plexiglass Shield/Covering was over Plaintiff's Cell Door.

4. That, this was done due to Plaintiff's exercise of his First Amendment Rights to Freedom of speech in talking to other inmates, as an officer or al he was yelling.

5. That, Plaintiff was denied his Rights to shower on Nov 26 & 29, 1999, & on December 3, 6 & 13, 1999.

6. That, Plaintiff was denied yard/outside exercise on Nov 26 & 29, 1999.

7. That, Plaintiff was in violation of restriction on November 26 & 29, 1999.

8. That, back in November and December, 1999, there was no "written" DOC, SCI-Camp Hill nor RHU policy prohibiting inmates in the RHU on DC-STATUS from possessing their own softcover Personal Law Books.

9. That, back in November and December, 1999, the RHU MMT Library here at SCI-Camp Hill did "not" contain the Law Books, Citebook, The Law of Sentencing, Corrections and Prisoner Rights, Nutshell, Appellate Advocacy in a Nutshell, Secret Tools For Reconviction Relief and/or Title 55-Pa. Code Public Welfare Chapters Mental Health Procedures Pamphlet, etc.

10. That, DC-ADM. #801-VI-D-5, DC-ADM. #801-VI-D-1 and DC-ADM. #801-2, Policy Directives of the Pennsylvania Department of Corrections apply to SCI-Camp Hill.

11. That, Defendants Kyle, Palatovich and Dragovich are all required to follow and enforce DC-ADM. #801-VI-D-5, DC-ADM. #801-VI-D-1 and DC-ADM. #801-2, here at SCI-Camp Hill.

1a. That, sometimes when RHU inmates become too noisy, RHU staff will cancel showers and/or yard for all RHU inmates on the Tier and/or on the side of the RHU where inmates are being too noisy & loud even though not all inmates are being too & loud.

RESPECTFULLY SUBMITTED
 (S) John Richard
 MR. JOHN RICHARD
 PLAINTIFF and PRO SE

Dated: 11th APRIL 2000:

MR. John Richard Jr.
 #BR-3219
 SCI-Camp Hill
 P.O. Box 200

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and
in his official capacity, et al.,

Defendants

:
:
:
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:
:
:

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS

Defendants, by their counsel, respond to plaintiff's requests for admissions as follows:

1. DENIED.

2. DENIED.

3. ADMITTED.

4. DENIED, except that it is admitted that the plexiglass shield was placed on plaintiff's cell door because he was yelling and disrupting the cell block.

5. It is ADMITTED that on November 26, 1999, plaintiff was on restriction and denied a shower. Otherwise this paragraph is DENIED.

6. It is ADMITTED that on November 26, 1999, plaintiff was on cell restriction and denied yard. Otherwise this paragraph is DENIED.

7. It is ADMITTED that on November 29, 1999, and December 3, 6 and 13, 1999, plaintiff was not on cell restriction. Otherwise this paragraph is DENIED.

8. It is ADMITTED that in November and December 1999, DC-ADM 801-2 was in effect and allowed inmates to maintain religious, as well as legal materials, in one (1) records center box.

9. It is ADMITTED that no books with the titles listed in this request for admission are retained in the RHU mini law library.

10. It is ADMITTED that DC-ADM 801 is applicable to SCI-Camp Hill, as well as the other state correctional institutions.


11. Because this request is unclear, defendants can neither admit nor deny it. See answer to request for admission Number 9.

12. ADMITTED.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526

DATE: June 27, 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff,

v.

KENNETH D. KYLER, individually,
and in his official capacity, et al.,

Defendants.

No. 1: CV-00- 0315

(Judge Rambo)

(Magistrate Judge Smyser)

**DEFENDANTS' SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S REQUEST FOR ADMISSIONS**

Defendants, by their counsel, hereby supplement their response to plaintiff's request for admissions as follows:

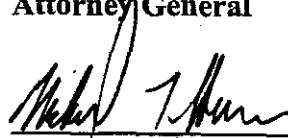
11. That defendants Kyler, Palakovich and Dragovich are all required to follow and enforce DC-ADM 801. VI. D. 5, DC-ADM 801. VI. D.8 and DC-ADM 801-2.

RESPONSE: It is admitted that, under the policy of the Pennsylvania Department of Corrections, defendants Kyler, Palakovich and Dragovich are generally required to follow and, where appropriate, enforce DC-ADM 801. VI. D. 5, DC-ADM 801. VI. D. 8 and DC-ADM 801-2. It is denied that defendants are required to follow or enforce these sections by federal or state law.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:



MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526
DATE: September 12, 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE
Plaintiff,

vs.

KENNETH D. KYLER,
JOHN A. PALAKOVICH,
LT. WILLIAM J. RHODES,
MARTIN L. DRAGOVICH,
OFFICER RUBENDALL and
OFFICER RAGER,
Defendants.

CRP# 16-1: CV-00-03
U.S. District Judge
Magistrate Judge Smye

AFFIDAVIT OF PLAINTIFF JOHN RICHARD JAE

I, Plaintiff John Richard Jae, as Counsel, hereby affirm & declare under penalty of perjury & pursuant to 28 U.S.C.

1. On November 19, 1999, Plaintiff John Richard Jae was taken to & placed in the Restricted Housing Unit (RHU) at SCI-Camp Hill, where I remained until 6, 2000 and I was again placed & confined in the RHU from July 18, 2000, — October 24,

2. On November 26, 1999, Defendant Lt. Rhoades told RHU Property Officer Craig & RHU Sgt. Pyles not to give me my personal law books as the P.R. had not approved such for me yet.

3. On November 29, 1999, I wrote and sent an Inmate Request Form to the P.R.C. (Defendant Palakovich) requesting there in writing that they approve my personal softcover law books for me.

4. On December 1, 1999, I verbally discussed the above-matter with Defendant Palakovich, Deputy Super for Facilities Management and Program Review Committee and verbally requested that he approve me my own softcover law books for me.

5. On December 1, 1999, Defendant Palakovich, after discussing me, illegally denied me my own personal softcover law books while in

6. Also, on November 30, 1999, I wrote & sent a written Inmate Form to Defendant Kyler, Superintendent, complaining thereon being denied my own personal law books herein the RHU Inmate

7. However, Defendant Kyler never responded back to me on my 11-30-99 to him. Defendant Palakovich attempted to inform Defendant

Rhoades refused to do his job & refused to listen to and/or discuss this matter with me then here.

9. That, also on December 1, 1999, I verbally discussed the matter of the denial of my religious materials with Defendant Balak & reminded him of DOC Policy DC-ADM-#801-2, in such & verbally asked him to order the RHU Staff to give me my religious materials.

10. That, on December 1, 1999, Defendant Balakovich, after discussing me, illegally failed to order RHU Staff to give me my religious materials although he had the legal responsibility & authority to do so and then I wrote & complained about such to Defendant Kyler, he likewise failed to do anything about such, although he could have.

11. That, DC-ADM-#801-2, of August 16, 1995, specifically permits RHU Inmate on disciplinary custody status, such as I was then to have his religious as well as legal materials in the one (1) Record of all available property in his RHU cell.

12. That, altogether as to this, I was illegally denied my personal softcover law books from November 26, 1999, — February 1, 2000, and was also illegally denied my religious materials from November 26, 1999, — January 30, 2000.

13. That, the personal softcover law books I was illegally denied during the above-referred to time period were are: The Code of the Law of Corrections, Sentencing and Prisoner's Rights In A Nutshell, Advocacy In A Nutshell, Secret Tools for Post-Conviction Relief, Prisoner's Self-Help Litigation Manual, Criminal Procedure In A Nutshell, Federal Rules of

Civil Procedure Pamphlet, Federal Rules of Appellate Procedure Pamphlet, U.S. Constitution Pamphlet, Pa. Constitution Pamphlet, Title 55 Pa. Code Public Welfare Chapter 500 - Mental Health Procedures, all of which were "not" contained nor available the SCI-Camp Hill RHUMPHIL Law Library during the above referred to time.

14. That, the personal religious materials which I was illegally denied during the above-referred to time period were my Daily Guide Bst 2000, my Strong's Exhaustive Concordance Bible, my Smith's Bible Dictionary and my Discovery Series Bible Study Bible.

15. That, the denial of my own personal soft cover Law Book placed me at extreme risk of missing a court-ordered filing date in one or more of my active/pending state & federal criminal court cases & if I am preparing a legal pleading in one of such cases & I need to look up a court rule and/or some legal information/research a case cite or topic/issue from one or more of my personal then I was unable to do so as I did "not" have access to/possess such personal law books as the Defendants denied such.

16. That, the denial by the Defendants of my personal Strong's Exhaustive Concordance of the Bible, Smith's Bible Dictionary, Discovery Series Bible Study Booklets and Daily Guide religious materials illegally denied me my religious materials which I need & use for my religious study to obtain further information on different subjects/topics/verses/chapters of the Bible and

meditational/Devotional Time in community with God and a daily religious study and Devotional/Meditation Time is at the very foundation of my religious beliefs and that with Strongs Exhaustive Concordance of the Bible, Smith's Bible Dict Discovery Series Bible Study Booklets and Daily Guidepost 2000 materials, I had no religious study/devotional material & was denied my daily religious study and devotional/meditation in violation of the basic tenets at the very foundation of my religion.

17. That, during the same above-referred time period I and the Prison Protestant Chaplain 3 or 4 times (I even that man,

18. That, on November 26 & 29, 1999, & on December 3, 6 & 11, I was illegally denied my shower by Defendant Lt. Rhoades & officers, based upon other RHU inmates making too much noise & the RHU, although I was at my cell door ready for a shower and

19. That, when I complained to Defendants Tyler & Palakovich and they did nothing about such, although they both could have

20. That, the denial of my shower on the above-referred to me to develop skin sores from not being able to shower & to clean & wash my body.

21. That, on November 26 & 29, 1999, I was illegally denied my exercise/recreation time(s) by Defendant Lt. Rhoades & the RHU of upon other RHU inmates making too much noise & disrupting the I had signed up for such on each of above-dated when the sign-up

22. That, when I complained in writing to Defendant Kyler & Palakovich about such, they did nothing, although they both could have.

23. That, on November 21, 1999, a Plexiglass covering/shield was placed over my cell door by RHU officers, thus causing poor ventilation and excessive heat in my RHU cell.

24. That, this was done in retaliation for my exercise of my First Amendment Rights to Freedom of Speech.

25. That, I complained verbally and/or in writing to Defendant Kyler, Palakovich & Rhoades about this, but they did nothing about such, although they each could have.

26. That, I was "not" yelling & disrupting the RHU on November 21, 1999, and it was documented in writing in Prison Medical Files that I am part deaf and hard of hearing in my right ear & that I talk loud as a result.

27. That, on December 1, 1999, Defendant Palakovich & the other members of the P.R.C. improperly told Defendant Lt. Rhoades RHU officers not to open up any of the RHU windows but to leave them closed.

28. That, this caused the temperature in the RHU & in the RHU to become excessively hot & around/close to 100° (or hotter) & me to suffer & sweat excessively & unnecessarily & be extremely uncomfortable physically & mentally.

29. That, when I wrote & complained to Defendant Kyler about this, he failed to respond back to me and/or to do anything at all about such, although both the legal & non-legal authority to do so & he further complains

30. That, on or about January 10, 2000, Defendant Dragovich replaced Defendant Kyler as the Superintendent at SCI-Camp Hill.

31. That, on January 12, 2000, Defendant Dragovich also illegally gave me my own personal SCI cover law books in the RHU at SCI-Camp Hill.

32. That, on April 23, 2000, I had a mental health relapse and tried to kill myself by swallowing nine (9) open staples from Legal work/Legal Materials in my RHU B2-57 Cell, began to spit up blood & had to be taken out to the Emergency Room at Spirit Hospital in Camp Hill, PA.

33. That, as a direct result of the above, Dr. Martin, Medical Director there, ordered that all of my legal, religious, personal property which I had in my B2-57 Cell, be removed from the cell & checked for staples which were to be removed & then all of my property from my RHU B2-57 Cell was to be returned to me the next day (April 24).

34. However, Defendant Officer Ruben Dall (the SCI-Camp Hill Property Officer) did not comply with Dr. Lasky's order to remove the staples from & return all of my property from my RHU B2-57 Cell to me on April 24, 2000, before he left for the day at 4:00 P.M.

35. At approximately 4:30 P.M. on April 24, 2000, I was placed in handcuffs, a black box, a steel waist chain & a padlock on the ankle. Clark, Chief Psychiatrist, as he had been told that I was hanging from my cell wall, & I remained in such restraints until Thursday, April 25, 2000.

36. On Thursday, April 27, 2000, Dr. Clark ordered that I be given back all of my legal, religious & my other property from my RHU BQ-57 Cell on the next day (April 28, 2000).

37. However, again Defendant RHU Property Officer Rubendall disobeyed this order of Dr. Clark's also & only gave a little bit of my legal property, my T-shirts, socks, undershorts and a couple law books of mine back then & failed to give me my Bible & the rest of my legal papers & law books which were the ones I really need to enable me to complete a legal pleading which was due to be filed in this Federal Court, in Jae vs. Laskey, CIV. No. CK-99-160, by May 8, 2000, which he was aware of as I had verbally informed him of such then on this date of April 27, 2000.

38. That, then when I spoke with Defendant Dragovich on May 2, 2000, about the foregoing & the legal pleading due to be filed in Jae vs. Laskey, CIV. No. CK-99-160, by May 8, 2000, Defendant Dragovich ordered that I be given the remainder of my legal, religious & other property which had been taken from my BQ-57 cell back to me.

39. That, because I still had not received such legal, religious & other property back here yet, on May 3, 2000, I discussed such with Defendant Deputy Superintendent Palakovich at my 30-day hearing & Defendant Palakovich also ordered all of my legal, religious & other property from my RHU BQ-57 Cell be immediately returned to me.

40. Defendant Officer Rager is the RHU officer who assists Property Officer Rubendall with RHU inmates' property & on May 12, 2000, he was the RHU officer processing property, when he was working, as Defendant RHU Property Officer Rubendall was away on

leave during this above-referred to time frame & Rager was the one who received Defendants Dragovich's & Palakovich's orders to return my property to me as stated above.

41. That, Defendant Rager failed to follow & comply with the above-orders of Defendants Dragovich's & Palakovich's & did not actually return the rest of my Legal, Religious & other Property back to me until May 12, 2000, causing me to miss my court-ordered filing Deadline for the Legal Matter vs. Lasky, CRJ No. 1:CV-99-160, of May 2000, which he told, was as I told him of such.

42. That, this here two week delay in the return of most of my materials & Law Books by Defendants Rubendall & Rager, also caused me to be at an increased risk of missing filing dead in my other State Court cases & at least, delaying the filing of pleadings in such cases because I did not have the Case Files in such other cases and I am preparing a legal pleading in one of such other court cases & I look up a Court Rule and/or some legal information/research and a topic/issue from one or more of my personal law books, & I am unable to do so as I did "not" have access to/possession of such law books of mine as Defendants Rubendall & Rager had disobeyed the return all of such back to me.

43. That, this here two week delay in the return of all of my materials completely denied me my rights to ~~my~~ freedom to practice religion of my choice, as I had been illegally denied access to religious materials by Defendants Rubendall & Rager & I did not have a prison chaplain at all during such two time period.

44. That Defendants Drago Vitch and Palakovich failed to enforce their orders of May 2 \$32000, although I wrote to each of them on May 4, 2000, & advised them of Defendant Rogers failure to enforce their orders & that I was about to miss my May 8, 2000 filing deadline of which I had informed them both of on May 2 \$32000, & that if I did miss such I would sue & they both still failed to do anything about such & thus they both also caused me to miss my filing deadline of May 8, 2000.

45. By failing to enforce their orders of May 2 \$32000 for the return of such religious property of mine (my Bible Study Pamphlets), Defendants Drago Vitch & Palakovich each compounded the delay of such, as well as compounded the violation of my Religious Freedom Rights to such.

46. On May 31, 2000, I verbally informed Defendant Deputy Palakovich at my 30-day PRC Review that I was being transferred to the SAU at SCI-Waymart on Tuesday, June 6, 2000, & that I have Religious Materials as well as Legal Materials down in my RHU Property Boxes that I want to take with me to Waymart & could I have such before my transfer.

47. That Defendant Deputy Palakovich then replied, "You'll be lucky to get your legal materials to take with you." Quote/Endquote.

48. Also, on November 26, 1999, I was denied my personal items from my stored property by Defendant Lt. Rha...

49. That, Plaintiff avers & states that, just because it is indicated on the RHU Property Officer's Notes on my Property that the date listed that legal and/or religious materials (property) was exchanged does "not" necessarily mean that I actually went down stairs to the RHU Property Room to go through my stored Property Boxes & exchange legal and/or religious materials (property) as could also mean and refer to the times when the RHU Property Officer would bring me up legal and/or religious materials and I would give him some from my cell for those ones and/or when something came in through the mail for me & he brought such up to me. The only dates that I actually went down stairs to the RHU Property Room to go through my boxes of stored property for legal and/or religious materials was on 11-26-99, 1-30-00, 2-13-00, March 2000, and on May 25, 2000, all other dates indicated on the Property Officer's Notes was when he brought legal and/or religious materials to my cell to exchange for some of the ones in my cell.

So, That, I either have fully exhausted my "available" administrative remedies to all issues & claims raised in this case in the complaints, or attempted to exhaust such [REDACTED] administrative remedy as I was able to, but I was illegally prevented from doing so by the Defendants' Grievance Coordinator Ben C. Livingston, at SCI-Camp Hill:

I, Plaintiff & His Counsel John Richard Jare, hereby affirm under penalty of perjury pursuant to 28 U.S.C. § 1746, that the above & foregoing is true & correct to the best of my knowledge, information and belief.

Signed this 2nd day of OCTOBER, 2001 (s) _____

Executed At: Waynesburg, Pennsylvania:

John Richard Jare
MR. JOHN RICHARD JARE, ATTORNEY
#BQ-3219
SCI-Greene/SMU
175 Progress Drive
Waynesburg, PA-15370-8008
Plaintiff and His Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,
Plaintiff,

vs.

KENNETH D. KYLER,
JOHN A. PALAROVICH,
Lt. WILLIAM JR. RHODES,
OFFICER RUBENDALL and
OFFICER RAGER,
Defendants.

Civil No. 1:00-CV-00-01
U.S. District Judge Ramo
Magistrate Judge Smyth

PLAINTIFF'S STATEMENT OF DISPUTED MATERIAL FACTS

Plaintiff John Richard Jaevers, deposes & states, under penalty of perjury & pursuant to 28 U.S.C. § 1746, that, Defendants have moved for Summary Judgment herein the above-entitled CIVIL RIGHTS Action. Pursuant to Local Rule M.D. LR 56.1 of this Court, the Plaintiff submits the following list of genuine issues of disputed material facts that require the denial of Defendants' Summary Judgment Motion, herein this case.

1- Whether Defendant Lt. Rhodes Order the RHU Police Officer & RHU Sergeant not to give this Plaintiff his personal soft cover Lawbooks nor his own religious material other than a Bible, on November 26, 1999?

2. Whether Defendant Palakovich Denied Plaintiff his personal software Law Books on December 1, 1999?

3. Whether Defendant Lt. Rhoades denied Plaintiff his religious materials on December 1 & 4, 1999?

4. Whether Defendant Palakovich denied Plaintiff his religious materials on December 1, 1999, by failing to order the RHU staff to give such to Plaintiff?

5. Whether Plaintiff was denied his own personal software Books from November 26, 1999, - February 13, 2000?

6. Whether Plaintiff was denied his own religious materials other than a Bible from November 26, 1999 - January 20, 2000?

7. Whether Plaintiff had an opportunity to get his other religious materials from his property on November 26, 1999?

8. Whether Plaintiff was denied a shower on November 2 & on December 3, 6 & 13, 1999?

9. Whether Plaintiff was denied outside exercise/recreation on November 26 & 29, 1999?

10. Whether Plaintiff was yelling and disrupting the RHU on November 21, 1999?

11. Whether Plaintiff's cell was extremely hot in November and December, 1999?

12. Whether the placing of the plexiglass over the Plaintiff's cell door caused poor ventilation in the Plaintiff's RHU cell?

13. Whether Defendants have prohibited the Plaintiff from exchanging his legal and religious materials every 30 days from his stored property in the RHU?

14. Whether Plaintiff attempted to exhaust his available Prison Administrative Remedies?

(S) ~~John Richard J. JAE~~
MR. JOHN RICHARD JAE
#BQ-3219
SGT-GREENE/SMU
175 Progress Drive
Waynesburg, PA. 15370-8

Dated/Executed on:

1st OCTOBER 2001:

At: Waynesburg, Pennsylvania:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,
Plaintiff,
vs.

CRT No. 1-01400-02
U.S. District Judge
Magistrate Judge Smye

KENNETH D. KYLER,
JOHN A. PALAKOVICH,
LT. WILLIAM J. RHOADS,
MARTIN L. DRAGOVICH,
OFFICER RUBEN ALLAN,
OFFICER RAGER,
Defendants.

PLAINTIFF'S DECLARATION IN OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT AND
DEFENDANTS' STATEMENT OF UNDISPUTED FACTS

Plaintiff John Richard Jae, pursuant to M.D.L.
M.D. LR 56.1, now files his Plaintiff's Declaration in Oppo-
sition to Defendants' Motion for Summary Judgment and Defenda-
nts' Statement of Undisputed Facts, herein this case & avers, deposes & states

A. Plaintiff's Opposition to Defendants' Motion for
Summary Judgment

That, he opposes Defendants' Motion for Summary Judgment
herein, based upon that which he states, argues & avers
faith in his accompanying Plaintiff's Brief in Opposition,
Opposition to Defendants' Motion for Summary Judgment and Memorandum
Law in Support, submitted herewith.

B. Plaintiff's Opposition To Defendants' Statement of Undisputed

1. Plaintiff, by way of response, states that he ~~admits~~ does not dispute/oppose Paragraph No. 1, of Defendants' Statement of Undisputed Facts, except that he disputes that he was transferred to the Restricted Housing Unit on 11/19/1999, as the date that the Plaintiff was transferred to the Restricted Housing Unit at SCI-Camp Hill was November 19, 1999, May 19, 1999, as Defendants claim/state.

a. Plaintiff, by way of response, states that he disputes/opposes Paragraph No. 2, of Defendants' Statement of Undisputed Facts, except he admits/does not oppose that the plexiglass was placed on Plaintiff's cell door on November 21, 1999. Further, Plaintiff avers & submits that, he was not yelling & disrupting Cell Block, on November 21, 1999, as he was talking to other inmates RHU in a tone of voice which is normal for him as he talks he is part deaf & hard of hearing in his right ear, which is in writing in his prison Medical Records/FILE-1/

3. Plaintiff, by way of response, states that he admits/does not dispute/oppose Paragraph No. 3, of Defendants' Statement of Undisputed Facts.

4. Plaintiff, by way of response, states that he admits/does not dispute/oppose Paragraph No. 4, of Defendants' Statement of Undisputed Facts.

1/ See Plaintiff's Exhibit I-3, of the accompanying Affidavit of Exhibits, which is the RHU A Party Officer's Notes of 11/19/99, where he notes he returned my

disputes, as untrue, any indication that religious materials and/or legal materials exchange was permitted to him for 30 days in the SCI-Camp Hill RHU.

5. Plaintiff, by response, states that he disputes/opposes paragraph No. 5, of Defendants' Statement of Undisputed Facts. Plaintiff avers that he disputes/opposes such paragraph No. 5, because Defendants "lie" & knowingly, willfully & maliciously commit fraud therein, as Plaintiff was "not" on cell restriction on November 1999, a fact which Defendants have previously admitted, herein this case, although it is true that Plaintiff was denied a shower & yard on November 26, 1999, and he disputes/opposes that.

6. Plaintiff, by response, states that he admits/consents paragraph No. 6, of Defendants' Statement of Undisputed Facts.

7. Plaintiff, by response, states that he disputes/opposes paragraph No. 7, of Defendants' Statement of Undisputed Facts. Plaintiff avers disputes/opposes such paragraph No. 7, because that stated that untrue, as this Plaintiff was indeed actually prohibited from for the exchange procedure and obtaining any legal or religious books from his stored property, given the facts that the Defendants denied him own personal soft cover law books from November 26, 1999, - February 1999, and also denied him his religious materials from November 26, 1999, - January 30, 2000.

Can't do for me and why would I have a hearing and medically present if I was not part deaf/hard of hearing in my right ear.

2/see Defendants' Answer to Plaintiff's First Set of Interrogatories - paragraph No. 6.

fact that I was ~~not~~ actually taken down stairs to the RHV Property Room to go through my stored property, as required by DOE Policy, except on November 26, 1999 and on January 30, 2000, & then again on February 13, 2000, March 16, 2000, & on May 25, 2000.³¹ Furthermore, Plaintiff avers that if it is true, as Defendants claim, that I was not prohibited from following the exchange procedure and obtaining any legal or religious books or papers from his stored property, then how's come Plaintiff was denied his personal law books from 11-26-99 - 2-13-00 his religious books/materials from 11-26-99 - 1-30-00 & why did Plaintiff not go downstairs to the RHV Property to exchange his legal and religious materials for all 2 1/2 months from March 16, - May 25, 2000, as "told" by the RHV Property Officer's Notes, although he requested such? This "told" proof that the Defendants "told" in the Statement of Undisputed Facts, at Paragraph No. 7.

8. Plaintiff, by response, states that he disputes Paragraph No. 8, of Defendants' Statement of Undisputed Facts because such "told" is untrue, as in November and December Plaintiff's cell "was" excessively hot.

(w) HEREBFORE, Plaintiff and Pse Counsel John Richard Jare, affirms & declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the foregoing is true & correct to the best of his knowledge, information and belief.

RESPECTFULLY SUBMITTED
(s) John Richard Jare
MR. JOHN RICHARD JARE,
#BQ-3319
SCI-Greene/AMU
175 Progress Drive
Waynesburg, PA. 15370-8
Plaintiff and Pse Counsel

Dated/Executed on:
1st OCTOBER 2001:
At: Waynesburg, Pennsylvania

DC-153 INMATE PERSONAL PROPERTY INVENTORY				COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			
<input type="checkbox"/> Transfer <input checked="" type="checkbox"/> Hold <input type="checkbox"/> Initial Disposition <input type="checkbox"/> Other							
DC Number		Name		Method of Disposition		A 134708	
BQ 3219		JAE		S-Ship D-Destroy		R-Return to Inmate H-Hold for Inmate	
CLOTHING & ACCESSORIES		TOBACCO ITEMS		MISCELLANEOUS ITEMS			
ITEM	NO.	METH.	ITEM	NO.	METH.	ITEM	NO.
Ath. Shorts			T-Shirt			Ash Tray	1
Ath. Supports			Undershirt	6		Cigarette Papers	
Belt			Undershorts	3		Cigarette Roller	
Cap	STATE	1	Underwear Bot.	1		Cigarettes-Car.	
Coat			Underwear Lg.			Cigarettes-Pkg.	
Coat-Rain			Underwear Top			Cigars	
Coat-Top			Vest			Lighters	
Gloves						Matches	
Handkerchief			GROOMING ITEMS			Pipe	2
Hat	STATE	1	ITEM	NO.	METH.	Pipe Cleaners	
Jacket			Brush			Pipe Filters	
Overcoat			Comb	1		Tobacco-Chew	
Pajamas			Dental Floss			Tobacco-Cig.	
Robe			Denture Cup			Tobacco-Pipe	1
Scarf			Dentures			Tobacco-Pouch	
Shirt			Deodorant			Tobacco-Snuff	
Shoe Brush			Hair Dressing			FOOD ITEMS	
Shoe Polish			Hair Pick			ITEMS	NO. METH.
Shoes-Boots	1 PR		Lotion-Shower			Candy-Bag	
Shoes-Dress			Lotion-Body			Candy-Bars	
Shoes-Over			Lotion-Hand			Chips	
Shoes-Shower	1 PR		Mirror	1		Coffee	
Shoes-Sandal			Nail Clippers	1		Cookies	
Shoes-Sneakers			Petroleum Jelly			Crackers	
Shoes-Tennis			Razor			Creamers	
Shoes-Work			Razor Blades			Drink Mix	
Shower Cap			Shampoo			Hot Chocolate	
Slippers			Shaving Cream			Peanuts	
Socks	2 PR		Soap			Pretzels	
Suit			Soap Dish			Sugar	
Sweat Belt			Talcum Powder			Tea	
Sweat Pants			Toothbrush	1			
Sweat Shirt	1		Toothpaste	1			
Sweat Suit			Towel				
Sweaters			Tweezers				
Tie			Washcloth				
Trousers			Bismarck	1			
			FOLDERS	16			
ITEM	DESCRIPTION OR SERIAL NO.		NO. METH.	ITEM	DESCRIPTION OR SERIAL NO.		NO. METH.
Briefcase	PAPER		4	4	Legal Boxes Containing All		
Calculator					Legal Hand All Misc. Papers		
Footlocker	NO TV				All papers Limited By Inmate		
Guitar					JAE.		
Guitar Case	All Jewelry						
Guitar Strings					3 Library Books Returned to		
Medical Bracelet					Library		
Radio	#990626 PAN W/Cord		1		1- ANNE Perry w/		
Ring					2- Prince Charming		
T.V.					3- The 10th Commandment		
T.V. Antenna					12-20-99 Exchanged Legal Material		
Typewriter					Refer 12-24-99 1 Hand Bk Book Used in Prison		
Typewriter Case					Refer 2-13-00 Exchanged Legal Material		
Watch					Refer 2-14-00 3y or Box Star and in the term in		
					Refer 2-15-00 1/2 of White Paper given to inmate		
MAIL TO				Articles marked "S" mailed (signature and title)			
ID CARD				4 Boxes			
The property described above was inventoried and processed as indicated				The property above was received and processed			
Signature of Property Officer				Signature of Inmate			
SCIC				11-23-99			
Institution				Date			
Signature of Property Officer				Signature of Inmate			
SCIC				JAE			
Institution				Date			

EXCHANGED Pci + Legal Russell
1-30-00

ISSUED 20 SHEETS OF TYPING
PAPER per Lt Funk

2-29-00 Russell
2-13-00 PROPERTY EXCHANGE Russell

3 BROWN file BRIEFCASE (CARDBOARD)
Placed IN PROPERTY 3-10-00
Russell

3-16-00 Legal + Pci EXCHANGE Russell

Returned 3 Religious Books Wanted
Russell 3 in place when they come in

3-21-00 PLACED MARCH ISSUE OF GLOBE IN Pci

4-27-00 GLOBE PLACED IN Pci Russell

4-22-00 PLACED EYEGLASSES IN PROPERTY Russell

4-28-00 STARTED REMOVING STAPLES FROM
ALL OF JAMES' CELL PROPERTY (per
Lt Richards)

5-3-00

Returned 6"

of loose legal
papers, He now

~~has a full box of legal~~

Returned ~~6"~~

~~legal papers to~~

to Jax 5-12-00

Roger

4-28-00 Returned

2 Shorts

2 Undies Shirts

1 PR Shower Shoes

1 PR Socks

9" Leggs

8 Law Books

1 Pen

hard Book

Has a full Box now

5-25-00 Spent 30 min looking thru legal
Boxes per PRC Dep ~~Palakovich~~

6-3-00 JAE started to sort property for V.T.
Rundall Time 1/2 (Officer Torres Escort)

6-4-00 (Raber + Reardon) Had JAE down to
finish sorting property. JAE did agree
to 4 Box Limit on property per policy.
He placed misc papers + Booklets, Books
in trash bag. Then later Refused
to sign the Confiscation Items
SHP.

6-4-00 Rundall

7-18-00 Ret to RHV. Left with 2 Boxes Ret with 3 Boxes

7-25-00 Received Hearing Aid per Lt. Lady

7-27-00 JAE Down stairs going thru legal
Packing his mat. out 1-Box (legal + Rec.)

7-27-00 Re Issue 1-Box legal mat.
stated that some may be in
his Box at Walmart

2. Shorts 1. Shower Shoes

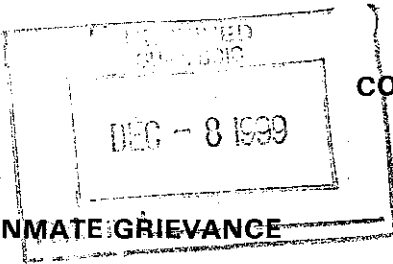
2. Shorts 2. Socks Bibs, 1 comb

mailed 1 Box out now back to 4 per
policy

7-29-00 Received 2" of misc papers trash for disposal
7-30-00 Issued approx. 2" legal paper + Rec. 2" also 2 folders

7-28-00 Placed 1 prison legal Envelope in bag (post
pd)

7-28-00 Per PRC. Plouville JAE to look for legal papers
JAE Assisted Property Officer didn't get
legal papers

DC-804
PART 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

TO: GRIEVANCE COORDINATOR <u>MR. Ben C. Livingood</u>	INSTITUTION <u>SCI-Camp Hill</u>	DATE <u>12-05-99</u>
FROM: (Commitment Name & Number) <u>MR. John R. Jare, #BQ-3219</u>	INMATE'S SIGNATURE <u>(s) John R. Jare</u>	
WORK ASSIGNMENT <u>None</u>	QUARTERS ASSIGNMENT <u>RHU A2-34 cell</u>	

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance:

This grievance concerns conditions in the RHU here & I lodged against RHU Lieutenant/Unit Manager Lt. Rhoades & the RHU.
I am being illegally denied my U.S. Constitutional Rights to have my religious material in my RHU cell here in violation of the 1st Amendment to U.S. Constitution and also DC-ADM.#801-2, of August 16, 1995.
am also being illegally denied my right to showers three times a week & outside exercise/recreation one (1) hour per day, 5 days per week in violation of the 8th Amendment to the U.S. Constitution and also DC-ADM.#801-VI-D.8 to other inmates here in the RHU being loud, although I am not. I have also been unconstitutionally subjected to poor ventilation & excessive heat in the RHU officers have placed a plexiglass covering over my cell door in retaliation for my exercising my rights to freedom of speech and refusing to open the windows but leaving the heat on, which violates the 1st 8th Amendments & U.S. Constitution. This grievance under DC-ADM.#804-VI-A-5. I request a prompt ruling.

B. Actions taken and staff you have contacted before submitting this grievance:

I have first tried to internally resolve the above-matter by discussing or attempting to discuss such with them on 12-01-99 and/or with RHU Lt. Rhoades on 12-01-99 & 12-04-99 but no avail. I have also discussed such with the RHU Sgt. & Officers.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Grievance Coordinator

Date 1

COMMONWEALTH OF PENNSYLVANIA
SCI-CAMP HILL

DATE : 12/8/99

SUBJECT: Consolidated Inmate Grievance Review System

TO : John Jae BQ-3219

FROM : ^D
Ben Livingood
Corrections Superintendent Assistant

I am returning your grievance because you have not complied with the following provision(s) of DC-ADM 804 (Consolidated Inmate Grievance Review System):

- _____ All grievances shall be in writing and in the format provided by the forms supplied at the institution. Forms are available on all cell blocks. (Section VI, A1)
- _____ All grievances shall be presented individually. Group grievances are prohibited. (Section VI, A2)
- _____ Only an inmate who has been personally affected by a Department or institution action or policy shall be permitted to seek review of a grievance. (Section VI, A3)
- _____ Grievances must be signed. (Section VI, A3)
- _____ All grievances must be presented in good faith. They shall include a brief statement of the facts relevant to the claim. The text of the grievance must be legible and presented in a courteous manner. (Section VI, A4)
- _____ Grievances based upon different events should be presented separately, unless necessary to combine to support the claim. (Section VI, A5)
- ✓ _____ Section VI, Initial Review, E, states that any inmate grievance may be addressed to the Inmate Grievance Coordinator except issues related to the following:

1. DC-ADM 801 - Inmate Disciplinary and Restricted Housing Unit Procedures.
PPC matter
2. DC-ADM 802 - Administrative Custody Procedures.
3. DC-ADM 805 - Policy and Procedures for Obtaining Pre-Release Transfer.
4. DC-ADM 814 - Incoming Publications.
5. Other kinds of issues for which review procedures have been previously established by administrative memorandum or policy statement.

continued - reverse side

DC-804
PART 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

CAm-0295-00

TO: GRIEVANCE COORDINATOR <i>MR. BOB LIVING</i>	INSTITUTION <i>SCJ-Camp Hill</i>	DATE <i>5-08-00</i>
FROM: (Commitment Name & Number) <i>MR. John R. Jones #BA-3219</i>	INMATE'S SIGNATURE <i>(S) John R. Jones</i>	
WORK ASSIGNMENT <i>None</i>	QUARTERS ASSIGNMENT <i>RHU B104-Cell</i>	

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance:

THIS grievance is lodged against RHU PR Perv. Officer Ribendall & Rager here for their deliberate & malicious game play & failure to do their job here & give me back all of my legal religious & other property which was removed from RHU B257a on 4-23-00 & which was ordered to be all given back to me on 4-27-00 by SCJ-Camp Hill Chief Psychiatrist Clark & my P.R. T. & for their illegal & deliberate & malicious of all of such legal, religious & other property of mine here 11 days after such was ordered return to me. Such denial of legal papers here caused me to miss a court ordered filing in Jailer's case No. 99-01610 of May 8, 2000, & illegally denied me access legal materials & access to the courts in violation of 1st Amendment U.S. Const. denial religious books & bible violated my religious freedom rights under 1st Amendment U.S. Const. Sup. violated DC-ADM 801-11 M.S. I request a personal interview with this grievance.

B. Actions taken and staff you have contacted before submitting this grievance:

I first tried to informally resolve the above-matter by complaining about such both verbally & in writing to Supt. Dja govich on 5-02-00 & 5-01-00 & Deputy Supt. Palakovich & the P.R.C. on 5-3 I also discussed with Unit Manager Spink, my counsel or and different staff.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Barbara Living
Signature of Grievance Coordinator

COMMONWEALTH OF PENNSYLVANIA
State Correctional Institution at Camp Hill

DATE: August 11, 2000

SUBJECT: Appeal to Superintendent
Grievance No. CAM-0295-00

TO: John Jae
BQ-3219
D Unit

FROM: *Martin L. Dragovich*
Martin L. Dragovich
Superintendent

Receipt of your Appeal to Superintendent of Grievance CAM-0295-00 is acknowledged. In preparing this response, I have reviewed your original grievance, the grievance officer's response, and your appeal to this office.

Again, as in Grievance CAM-0346-00, a response was prepared upon your return from the SAU at SCI-Waymart. As noted earlier in the previous grievance, this did not have a consequential effect on the processing of your grievance as your grievance appeal has been accepted for processing.

As for the grievance itself, it is noted that you did not cooperate by accepting the papers in question when officers attempted to give you your legal property, but instead became hostile and threw your papers on the tier. You have admitted as much in your appeal to this office. While you claim their actions were deliberate, it may very well have been accidental or you did not provide them with enough information. Either way, your actions were inappropriate, and you must accept some of the responsibility for any delays you may have incurred.

Based on the foregoing, your appeal is denied.

MLD/lp

cc: Deputy Novotney
Deputy Palakovich
Mr. Livingood
Mr. Spirk
DC-15
File - CAM-0295-00

B-03

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
1451 N. MARKET STREET
ELIZABETHTOWN, PA 17022

OFFICE OF THE
CHIEF HEARING EXAMINER

September 8, 2000

John Jae, BQ-3219
SCI Camp Hill

Re: DC-ADM 804 - Final Review
Grievance Nos. CAM-0295-00 & CAM-0346-00

Dear Mr. Jae:

This is to acknowledge receipt of your appeal to final review of the above numbered grievances.

In accordance with the provisions of DC-ADM 804, VI D, as amended effective November 1, 1997, I have reviewed the entire record for each of these grievances; including your initial grievance, the Grievance Officer's response, your appeal from initial review and the Superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. I find the issues raised for final review have been addressed by the Grievance Coordinator and the Superintendent, and their responses are reasonable and appropriate.

I concur with the responses already provided at the institution level. Accordingly, your appeals to final review must be denied.

Sincerely,

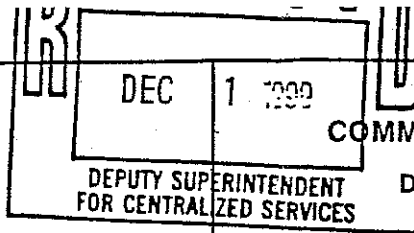


Robert S. Bitner
Chief Hearing Examiner

RSB:bjk

pc: Superintendent Dragovich

35A Form - One



NMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

(NAME AND TITLE OF OFFICER)

2. DATE

Re Program Review Committee

11-28-99

(INSTITUTIONAL NAME AND NUMBER)

John R. May, JR. 3219 John R. May, JR.

4. COUNSELOR'S NAME

MR. Kerstetter

3. ASSIGNMENT

None

6. QUARTERS ASSIGNMENT

RHU A2-34

SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

On 11-24-99, I saw & spoke with you & inquired as to whether I could have my soft cover law books in my RHU. It is I need to have such available to me when I am preparing a court pleading in one of my current/pending state & Federal court cases & need to legally research and/or working on and/or when I need a case cite for such and I do not afford to wait till the RHU staff gets ready to take me to the Law Library here because of the delay involved for such - and you let me to submit a request to RHU Lt. R. Kades and give him a list of my law books I wanted from my property, which I did on 11-26-99, when I was finally permitted to go to the library here in the RHU. RHU property officer Craig Allegally

POSITION (DO NOT WRITE IN THIS SPACE)

Mr. Joe Palachuk
addressed these issues with
you today

DC-14 CAR ONLY

TO DC-14 CAR AND DC-15 IRS

MEMBER

DATE

12-1-99

e/ Form - two -

35A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER**INSTRUCTIONS**

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

(NAME AND TITLE OF OFFICER) The Program Review Committee		2. DATE 11-28-99
(INSTITUTIONAL NAME AND NUMBER) John R. Jorgensen #32-32197 John R. Jorgensen		4. COUNSELOR'S NAME MR. Kersetter
3. WORK ASSIGNMENT None	6. QUARTERS ASSIGNMENT RHU A2-34 Cell	

SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

ordered me my softcover Law Books from my property here. stating that the P.R.C. had not approved such for me yet. Also, on 11-26-99, RHU Property Officer Craig Allen illegally denied me my other religious material books besides my bible, despite the fact that DC-ADM. #801-2-P states that I am allowed to have such in my (my) Records Center property. I am allowed to have in my cell on DC status in the RHU. Therefore, I request that you, the P.R.C. approve my own softcover law books & religious materials for me to have in my RHU cell & that you order RHU Property Officer Craig Allen to immediately give such to me here, & not deny me such books. I am entitled to my Constitutional Rights of Access to the Courts & to Freedom of Religion & etc.

POSITION: (DO NOT WRITE IN THIS SPACE)

☐ DC-14 CAR ONLY

☐ TO DC-14 CAR AND DC-15 IRS

MEMBER

Plaintiff's Exhibit - 6 -

DATE

THIS IS A List of my Personal Law Books
I Need And Request from my Party Here

1. Prisoners' Self-Help Litigation Manual
2. Federal Rules of Civil Procedure Pamphlet
3. Federal Rules of Appellate Procedure Pamphlet
4. Federal Rules of Evidence Pamphlet
5. U.S. Supreme Court Rules Pamphlet
6. U.S. Constitution Pamphlet

~~7. PA. Constitution~~

8. Secret Tools of Post-Conviction Relief (2)

9. Criminal Procedure In A Nutshell

10. Appellate Advocacy In A Nutshell

11. The Law of Corrections, Sentencing And Prisoners' Rights In A Nutshell

12. Title 55 PA-Code Pamphlet

#BX-3319
SCT-Camp HPI
P.O. Box 300
Camp HPI, PA. 17101-0300
November 30, 1999

DR. DEBBY BEARD,
Executive Deputy Secretary
Pennsylvania Department of Corrections
P.O. Box 598 / 2520 Lebanon Road
Camp HPI, PA. 17001-0598

OFFICE OF
THE SECRETARY
DEC 06 1999
GIVEN WILLIAMS
REFERRED

DEAR Executive Deputy Secretary Beard:

I am writing to you this morning to let you know that you are having a problem with the DC City/County that are going on here at SCT-Camp HPI, which are as follows:

1) MR. R. GIMBLE, SCT-Camp HPI Business Manager, is refusing to comply with and follow the provisions of DOADR 303-VI-C.1. that the T/legally refuses to provide this information to the DC City/County, when this information is his FIDELITY Account has a negative balance of \$1,000.00 (thereabouts) of the DC City/County with a negative legal back he only does so once a month, although DC-ADN#80510-01-01 (a) clearly states that for one legal back is not enough I may request and receive one more additional per month.

MR. GIMBLE "LIES" & claims he never receives any inmate request forms to him for such legal back(s) but yet all other staff members here receive my request forms to them when I write and send it to them. While this is a crime against the legal/court pleadings in my life as a state & federal court cases and delays such and at times even causes me to miss court ordered from and from

Page: 1 Two

2.) I have been illegally denied my rights under Federal Law/Federal Court Decisions to have other inmates here at SCIT - Camp Hill (when I was still in general population here) associated me with my legal/court cases, in that, I have been illegally denied my rights to have other inmates possess my legal papers & other legal materials, as when I go in such to another inmate here, such was illegally denied & he stayed by the officers & the security officer here and was told that for any more legal materials I should find it another inmates possession in another block housing unit, or such would be costs noted & destroyed again here & it would be given a miss conduct for such - this violates numerous U.S. Supreme Court and other Federal courts case decisions & Federal Laws, especially since I do not qualify meet the criteria for legal assistance from the Institution financial here.

3) I am current being housed in this prison's RHU here on DC Custody Status, and I am being legally denied my state first constitutional rights to Freedom of Speech. I think when I talk to other inmates here in the RHU I am told to get off my door and shut up by the RHU officers & PI do not do so, then I am subject to a MDC misconduct report by RHU officers for refusal to obey an order.

[illegible]



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
HARRISBURG, PENNSYLVANIA 17101-0598

December 9, 1999

RECEIVED
Office of Attorney General
JUN 23 2001
Litigation Section

OFFICE OF THE
SECRETARY OF CORRECTIONS

John Jae BQ-3219
SCI-Camp Hill
P.O. Box 200
Camp Hill, Pa 17001-0200

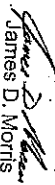
I.C.

Dear Mr. Jae:

Your letter to Executive Deputy Secretary Beard was referred to my office for response. There are specific procedures and guidelines for you to follow so you may obtain legal materials required for meeting active court deadlines. I am forwarding your letter to Superintendent Kyler and his staff will address your concerns.

The complaints that you are expressing should be addressed at the institutional level. Your Unit Management Team or Program Review Committee is more than capable of addressing your concerns.

Sincerely,


James D. Morris
Inspection Team Lieutenant
Specialized Facilities and Programs

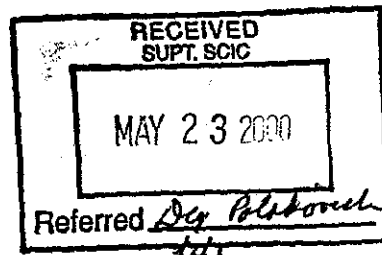
JDM

cc: Superintendent Kyler (w/attachment)
Central Files
File

Plaintiffs Exhibit - M-
-a-

TO: Superintendent Dragovich,
SCI-Camp Hill

Re: My S-21-00 Letter Advising You of
Violation of DC-ADM #801-VI-M.S. in the RHU




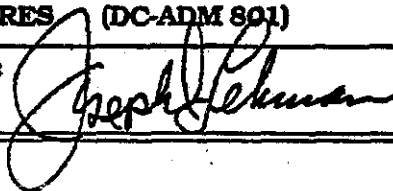
*Mr. Joe -
your request
has been referred
to PRC to be addressed
w/ RHU staff during
their weekly
discussion
5/24/00
M. Dragovich*

Superintendent Dragovich, Sir,

I am writing & sending you this

here letter to advise you herein writing that there
is an ongoing & repetitive violation of DC-ADM #
VI-M.S. being committed in the RHU here by R.H.
Property Officers Rubendall & Rager, who refuse to
me to go down to my property to exchange legal and
religious materials once every thirty days as is shown
proven by the absolute fact that I have not been down
to my property here in the RHU Property Room and have
been allowed to exchange my legal and religious materials
since March 15, 2000, although I had submitted
separate written Inmate Request Forms to go and
to them and to the RHU Lt. Rhoades on April 12, 2000
on May 11, 2000. On May 12, 2000 the rest of my property
removed from RHU B2S7-cell here was returned to
here, however, I was not allowed to go to my property
and exchange legal and ~~religious~~ religious materials
I had requested in writing on 5-11-00 and in
of DC-ADM #801-VI-M.S.

Now it has once again become crucial for me to
down to my property here to do so as I have a Court
that certain pleading are due to be filed in Federal Court
Jae vs. White, Civil Action No. 96-612, by June 2, 2000
extensions of time will be granted and the case papers I
to enable me to meet such firming deadline are down
property here in the RHU Property Room and thus I request
you order RHU Property Officer Rubendall to have me brought
to my property this here week to do so & I request you write
back to me in this here letter to you: (S) M. Dragovich

		POLICY STATEMENT Commonwealth of Pennsylvania • Department of Corrections	
		Policy Subject: INMATE DISCIPLINARY AND RESTRICTED HOUSING PROCEDURES (DC-ADM 801)	Policy Number: DC-ADM 801
Date of Issue: May 20, 1994	Authority: 	Effective Date: Sept. 20, 1994	

I. Authority

The authority of the Commissioner of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901 (b) of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, 175, as amended.

II. Purpose

A consistently applied system of sanctions in response to inmate violations of Department of Corrections rules and regulations is established to ensure the safe and orderly operation of institutions and Community Corrections Facilities.

III. Applicability

This policy shall be applicable to all inmates and staff in all Department of Corrections' facilities and Community Corrections Centers.

IV. Definitions

For the purpose of this policy, the following definitions shall apply:

- A. **Central Office Review Committee (CORC)** - A panel of at least three (3) Central Office staff members appointed by the Commissioner, including an attorney from the Office of Chief Counsel, which conducts final reviews of institution grievance and misconduct appeals.
- B. **Disciplinary Custody** - The maximum restrictive status of confinement to which inmates guilty of Class I misconducts may be committed. Inmates shall be placed in disciplinary custody status for periods no longer than ninety (90) days per misconduct report.
- C. **Hearing Examiner** - An employee of the Department of Corrections Central Office who conducts inmate misconducts hearings. The hearing examiner reviews evidence, determines relevance of witnesses, interviews witnesses, determines guilt or innocence, and imposes sanctions consistent with this policy.
- D. **Misconduct** - Any violation of Department of Corrections Rules, Regulations or Policies as outlined in Section VI of this policy.
- E. **Pre-Hearing Confinement** - A temporary administrative status of confinement in the inmate's general population cell or the RHU pending the outcome of a misconduct hearing.

EXHIBIT 4-
801-1

DC-ADM 801


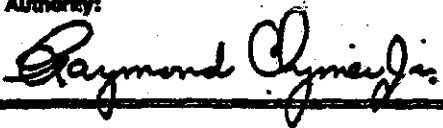
The Superintendent or PRC may change an inmate from DC status to AC status only upon expiration of the DC sanction and only if proper notice and hearing procedures are provided as outlined in DC-ADM 802.

At any time, the Superintendent may reduce the disciplinary sanction imposed on any inmate other than those with misconducts involving bodily injury, attempts to commit bodily injury or use of a weapon, based on the security needs of the institution in accordance with the "Administration of the Restricted Housing Unit" policy. When this occurs, the Superintendent shall notify the Regional Deputy Commissioner via Weekly Status Report.

8. In cases of multiple misconduct sanctions, the Superintendent may reduce the total amount of disciplinary time based upon positive adjustment by the inmate. Disciplinary time cannot be reduced beyond the longest sanction imposed per misconduct report for Category A charges or half of the longest sanction imposed for other category charges.
9. The PRC or the superintendent will have the discretion to reduce disciplinary sanctions for mental health cases.

D. RHU Procedures for Disciplinary Custody Status Inmates

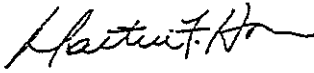
1. Disciplinary custody status inmates are housed in separate cells from general population and administrative custody status inmates.
2. Smoking in the disciplinary custody status housing area will be limited to one pack of cigarettes every two (2) weeks, to be purchased from the institution commissary. Indigent inmates may be provided with cigarettes consistent with policy 15.3.6, VI. D., Smoking in Department of Corrections Buildings and Facilities.
3. Inmates in disciplinary custody status will not have the privileges of radios, televisions, telephone calls, personal property or commissary (except cigarettes toilet articles, legal/correspondence materials, and prescribed medications).
4. Visits are limited to one (1) non-contact visit per month with immediate family only. Legal visits will be permitted. In cases of emergencies, a telephone call may be approved by the Unit Manager or a Commissioned Officer.
5. Disciplinary custody status inmates will be permitted legal materials that may be contained in one (1) records center box. Any additional legal material will be stored and available upon request on an even exchange basis. A personal Bible, a Holy Koran, or equivalent religious publication is permitted.
6. Inmates will be provided access to the institution law library by requesting legal materials in accordance with Departmental policy. Other library books may be requested on a weekly basis.
7. Inmates in disciplinary custody status will be provided with an R.H.U. jumpsuit and footwear. Basic issue toilet articles will be provided on request. Two (2) pair of personal undergarments are permitted. No other personal property is permitted. Outerwear for exercise will be provided as needed.
8. Disciplinary custody status inmates will receive one (1) hour exercise per day, five (5) days per week, and shall be permitted a minimum of three (3) showers and three (3) shaves per week.
9. The Program Review Committee will interview all disciplinary custody cases every thirty (30) days.

		BULLETIN Commonwealth of Pennsylvania • Department of Corrections	
To: Superintendents Boot Camp Commander Executive Staff Regional Directors		Policy Subject: DC-ADM 801 Inmate Disciplinary and Restricted Housing Procedures	
		Policy Number: DC-ADM 801-2	
		Policy Issue Date: May 20, 1994	
Date of Issue: 8-16-95	Authority: 	Effective Date: 8-16-95	

Section VI.D.5., RHU Procedures for Disciplinary Custody Status Inmates, is amended by this Bulletin to allow inmates to maintain religious, as well as legal materials, in one(1) records center box.



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: INMATE DISCIPLINE		Policy Number: DC-ADM 801
Date of Issue: March 8, 2000	Authority:  Martin F. Horn	Effective Date: April 17, 2000

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operations of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. PURPOSE

The purpose of this policy is to establish procedure for addressing inmate violations of Department of Corrections rules and regulations.

III. APPLICABILITY

This policy is applicable to all inmates and staff in all facilities under the jurisdiction of the Department of Corrections.¹

IV. DEFINITIONS

A. Administrative Custody (AC)

A status of confinement for non-disciplinary reasons, which provides closer supervision, control, and protection than provided in general population.

B. Calendar Days


Any number of consecutive days, including weekends and holidays.

¹ 3-4217, 3-ACRS-3C-01

- c. The Chief Hearing Examiner will review and respond to all misconduct appeals to final review within seven (7) working days of receipt of all necessary records for review. The Chief Hearing Examiner will review the misconduct, the hearing report, and all appeals therefrom, and the issue raised to final appeal.
- d. Upon completion of final review, the Chief Hearing Examiner will respond directly to the inmate in all cases where the position taken by the facility is upheld.
- e. In all cases where the action of the Hearing Examiner, PRC or the Superintendent is reversed or amended, or where a matter is remanded, the Chief Hearing Examiner will prepare a letter to the inmate and a memorandum to the Superintendent. The Chief Hearing Examiner will forward the letter and memorandum to the appropriate Regional Deputy Secretary for review and signature.

M. Disciplinary Custody Status Inmates

1. DC status inmates are housed in separate cells from general population and AC status inmates.
2. Inmates in DC are prohibited from using, purchasing, or possessing any tobacco products while confined in the RHU.
3. Inmates in DC status will not have the privileges of radios, televisions, telephone calls, personal property or commissary (except toilet articles, legal/correspondence materials and prescribed medications).
4. Visits are limited to one (1) non-contact visit per month, which may be limited to weekdays only, with immediate family. Legal and religious advisor visits will be permitted, in accordance with Department policy DC-ADM 812, "Inmate Visiting Privileges." In case of a verified emergency, the Unit Manager or a Commissioned Officer may approve a telephone call. All approved emergency telephone calls must be logged in the RHU Log Book and in the inmate's DC-17x, "Adjustment Record for Administrative and Disciplinary Custody Inmates."
5. DC status inmates will be permitted to retain religious, as well as legal materials that may be contained in one (1) records center box. Any additional legal or religious materials will be stored and made available upon request on an even exchange basis not more than once every thirty (30) days unless approved by PRC.
6. Inmates will be provided access to the facility law library by requesting legal materials in accordance with Department policy DC-ADM 007, "Access to Provided Legal Services." Other library books may be requested on a weekly basis.
7. Inmates in DC status will be provided with an orange RHU jumpsuit and slip on canvas footwear. Basic issue toilet articles will be provided on request. Three (3)

			POLICY STATEMENT Commonwealth of Pennsylvania • Department of Corrections	
Policy Subject: Consolidated Inmate Grievance Review System			Policy Number: DC-ADM 804	
Date of Issue: July 20, 1994		Authority: Joseph D. Lehman Commissioner		Effective Date: Oct. 20, 1994

I. AUTHORITY

The Authority of the Commissioner of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. PURPOSE

It is the purpose of this Administrative Directive to establish policy regarding the Consolidated Inmate Grievance Review System and to ensure that inmates have an avenue through which resolution of specific problems can be sought.

This directive sets forth procedures for the review of Inmate Grievances not already covered by other Administrative Directives and policies. It also provides the method through which review procedures established by other directives are to be integrated with the procedures outlined in this directive.

III. APPLICABILITY

This policy is applicable to all employees of the Department of Corrections and all inmates under the jurisdiction of the Department of Corrections and to those individuals and groups who have business with or use the resources of the Department of Corrections.

IV. DEFINITIONS

A. Grievance -

The formal written expression of a complaint submitted by an inmate related to a problem encountered during the course of his/her confinement.

B. Grievance Coordinator -

The Corrections Superintendent's Assistant in an institution or the Assistant to the Regional Director in Community Corrections who is responsible for the overall administration of the Inmate Grievance System in that facility/region. This includes all data collection, tracking and statistical reporting. At the direction of the Facility Manager or Community Corrections Regional Director, the Grievance Coordinator may be called upon to provide Initial Review of certain grievances.

DC-ADM 804

D. Final Review

1. Any inmate who is dissatisfied with the disposition of an Appeal from Initial Review decision, may, within seven (7) days of receiving the decision, any issue related to non-compliance with the ICU Consent Decree, or any new law, policy, or directive, for final review. Only issues raised at the Initial Review and Appeal level may be referred for Final Review.
2. Final Review will not be permitted until the inmate has complied with all procedures established for Initial Review and Appeal from Initial Review. Exceptions may be made for good cause.
3. Final Review of all appeals will be sent directly to the CORC except the following:
 - a. Medical Grievances which will be reviewed by COMRC.
 - b. Requests for Final Review of appeals from disciplinary actions which were processed through DC-ADM 801. These will be reviewed by the Office of the Chief Counsel which may respond directly to the inmate or refer the appeal to the Central Office Review Committee (CORC) for further reviews.

The address of the CORC/COMRC is:

PA DEPARTMENT OF CORRECTIONS
CENTRAL OFFICE REVIEW COMMITTEE
PO BOX 598/2520 LISBURN ROAD
CAMP HILL, PA 17001-0598

4. Requests for Final Review must clearly identify the decision appealed from and all reasons for appeal. Only one appeal from any second level (Appeal from Initial Review) decision will be permitted.
5. The CORC/COMRC, or any member thereof, may require additional investigation to be made prior to a decision on a Final Review appeal.
6. The CORC/COMRC will review all issues properly raised according to the above procedures. It may also review and consider any other related matter.
7. For all Appeals receiving Final Review, the CORC/COMRC will issue its decision within twenty-one (21) days after receipt of an appeal. The decision may consist of approval, disapproval, modification, reversal, remand or reassignment for further fact finding, and must include a brief statement of the reasons for the decision. The committee shall notify the grievant and Facility Manager/Regional Director of its decision and rationale.
8. The Chief Counsel will notify counsel for the ICU class of disposition by the CORC/COMRC of any matter raised on Final Review alleging a violation of the ICU Consent Decree.

E. Exceptions

Initial Review and Appeal from Initial Review of issues related to the following Administrative Directives shall be in accordance with procedures outlined therein, and will not be reviewed by the Grievance Officer or Grievance Coordinator.

1. DC ADM 805 - Policy & Procedures for Obtaining Pre-Release Transfer.
2. DC ADM 801 - Inmate Disciplinary and Restricted Housing Unit Procedures. See DC-ADM 801 VI., G & I
3. DC ADM 802 - Administrative Custody Procedures. See DC-ADM 802, VI, B, 1, 2. Appeal from Initial Review, see DC-ADM 802, VI, B, 4, a.